

586

until after the celebration of the ensuing busk, at which, if they attend and partake of the physic and bathing, they are at once exonerated from the marriage-contract, and at liberty to choose again: but to be only intimate with any other person, between the time of separation and the ceremony of the next busk, is deemed as adultery, and would incur the penalty of whipping and cropping, as the custom of the country requires. This punishment, however, depends, sometimes, on the superior strength of the clan to which the injured party belongs."¹⁸

Bartram evidently has in mind only cases of adultery when he says that a divorced woman was looked upon as a harlot.¹⁹

Says Stiggins:

"Should she [the wife] be indolent and given to quarrel with him [her husband] and inattentive to his wants and disobedient to his commands, in any of the aforesaid cases he can make complaint to her family of such and quit her and marry another without a murmur from her clan or family. But in case she should prove a lewd woman and inconstant to him, she can be punished by his family or clanspeople by beating her with large sticks until she cannot move and the cutting off both her ears close to her head, though the punishment may be inflicted contrary to the will or consent of her husband, which frequently happens. Then after her punishment for her inconstancy it is optional with her husband to repudiate or retain her still as his wife."²⁰

The option of the husband is, as has been seen, denied by several other authorities.²¹ As Stiggins's sources of information were of the best, it is probable either that the custom varied in different parts of the Creek area or that in his time the usage in this particular had begun to alter.

• 589

From an old Creek Indian I have the following account of the customs observed with respect to widows and widowers:

"A woman remained with her husband's parents for four years after the beginning of her widowhood. At the expiration of that period her husband's sisters would dress her up, take her to a dance, and tell her to enjoy herself. Then the people of her husband's clan would hold a council and select a good man for her. If she did not like him she was free to marry whomever she chose. Their duty was completed. It was the same when a man was left a widower, only then they talked to the woman fixed upon until she consented. After a man's wife died they would build a scaffold right over her grave and let the widower lie there four days. If he went with another woman before four years were completed they cut the end of his nose off and the end of the woman's nose and turned them

¹⁸ Swan in Schoelkopf, *Ind. Tribes*, vol. V, p. 272.

¹⁹ Bartram, *Travels*, p. 111.

²⁰ Stiggins, *Mo. Hist. Narr.*, p. 22.

²¹ See pp. 280-281.

589

loose. If a widow went astray during her mourning period they would cut her ears off and those of her accomplices. If a widow walked into a stream and a man walked into the same stream above so that the water ran down from him to her they were apt to cut off the ears of the two in just the same way. In passing a widow a man had to go to leeward of her if he wished to pass and escape punishment. (The same rules probably applied to widowers as well.) After the widow had received a new husband or the widower a new wife possession was given for one night, and then if they did not like each other they separated."

The next is from Sonak hadjo, chief of the Mikasuki:

"When a man died his wife had to remain a widow for four years, and during all of that time her condition was marked by the fact that she did not take any care of her hair. Every four months, however, another woman combed and cared for it for her. The widow also wore little clothing, merely a sheet around her body in even the coldest weather. When the four years were expired she bathed, put on good clothing, combed her hair, and waited until there was a big dance. Then her husband's sister, his niece, or some other near female relative of his led her to the dance after it had begun. If there was a suitable single male relative of her former husband he married her; if not the female relative said: 'I have no one to support you, so I will let you go. Go and look for yourself.' A widower had to wait only four months; otherwise he behaved similarly."

The following account comes from the Alabama Indians of Texas:

"After a man had lost his wife he remained in the house naked for four days. At the end of that time his wife's brothers brought a shirt and put it on him, and they all took their guns and went hunting. Perhaps a month later his wife's brothers again came to him, took him to a creek and washed his head and dressed up his hair, and afterward they took him to the ball ground. There he sat, looking at the ground sadly, as if he were sick, but afterward he could go anywhere by himself. He could not marry outside of the clan of his former wife until four years were past, but he might marry his wife's sister in less time, and by his wife's sister is apparently meant any of the women of his first wife's clan. If he were a good man he could get his wife's sister easily; if not she would not be given to him.

"A woman left a widow remained in the house for four days, perhaps longer, and after some time, perhaps a year, her husband's sisters would come to her, take her to a stream, wash her head, dress her hair, give her a complete outfit of clean clothing, and carry her to the ball ground. There were six to ten women in all, one of whom acted as leader. Afterward the woman could go to the ball ground as much as she pleased."

589 The man who furnished this account had himself been a widower twice, and therefore he ought to have been well informed regarding the regulations.

The best early account of ceremonies connected with widowhood is given by Stiggins, who says:

"It is customary for the clans people not to tolerate the widowed man to play jokes or touch a woman nor a woman a man during their [period of mourning]."

"As I have gone through their marriage ceremonies and touched on their state of widowhood," I think it necessary to enlarge and be more explicit on the subject, therefore after marriage, should they live inseparable during their life, on the death of either the survivor is made a widow of in the following manner: viz., admitting that the woman should be the survivor, immediately after the man's burial the women on his mother's side connected to him, or his clan women, who are all the widow's guardians or retainers, proceed to divest her of her gay apparel and her other ornaments of dress such as brooches, beads and necklaces, and unloose her hair and spread it over her shoulders, in which situation she is to remain and consider herself a mourner for four years for her deceased husband, unless she is sooner relieved by the compassion of her retainers though at any time of her widowhood one of her deceased husband's brothers or cousins on his mother's side can relieve her by taking her to wife himself. Should he have a wife at the time it cannot be murmured at by any one as he is in duty naturally bound to raise seed to his brother and she is at his option or disposal; or she can be relieved by the clan women after a consultation. Should they think her in a bad situation they very often, before the expiration of her widowhood, have compassion on her forlorn state and then give her a comb to comb her hair, or some of them comb her hair for her, and [they] invest her with such clothes and ornaments as those of which she was divested for her widowhood.²⁴ After they have gone through this ceremony with her she is at liberty to marry whom she pleases, but should she not await the formal relief of her retainers, but in contempt of their prerogative, take to combing of her hair or marry a husband, they can treat her inconstancy in this as in any other case of adultery should she do it before the expiration of four years or four *Booske taks*, from the death of her husband. But if she marries a man and elopes with him and eludes the vigilance of her retainers to the expiration of the

²⁴ A line is wanting in the original manuscript at this point, but the words in brackets complete the sense sufficiently well.

²⁵ See pp. 272-273.

²⁶ On this point compare what Adair says (pp. 222-223) and the following from Gregg: "She (the widow) remains in strict mourning for four years, with dishevelled hair and without combing—unless the relatives of the deceased interfere; whereby it is sometimes put an end to in a few months, provided the sincerity of her grief be evident and her conduct meritorious." (Commerce of the Frontier, in Early Western Travels, vol. 26, p. 212.)

ensuing anniversary of the new corn crop then she is free of their constraint and can live with her husband without fear of punishment. Her husband is inseparably bound to her and cannot be implicated in the crime of adultery with her, all the crime being imputed to her lewd disposition and incontinency. The same constraint, ceremony, and restrictions are observed with the man should his wife die first."²¹

From a somewhat later period comes this information:

"When a husband dies his female relations have a right to prevent the marriage of the widow for four years. After the husband is buried the relatives take the widow from the grave to the nearest branch and immerse her in water; if once, she must remain a widow for one year; if twice, two years, and so on, but they can not exceed four years. If there is no branch near they perform the ceremony by dashing a bucket of water upon her, once, twice, and so on. . . . After the immersion she is carried back to the house where her husband died and is shut up within the house and kept there four days. A little girl is appointed to attend her and supply her with food, and no other person is allowed to go near her. In four cases out of five the husband is buried in the house where he died, under the bed, and the woman is obliged to sleep in the bed the four nights of her confinement to the house. A shed or small house is prepared near the dwelling, and after the four days have expired she is assigned to that house and compelled to live there during the period of her widowhood—one to four years. During that time she is not allowed to make or receive visits. No one is allowed to enter the house, though they may talk to her at the door. She is not allowed to wash her face, or comb her hair, or change her dress. The little girl attendant may "look" her head, and is privileged to eat what she finds—and she generally avails herself of the privilege. At the expiration of the widowhood the deceased's relatives repair to the house, take possession of the widow and wash her from head to foot (it is the female relations who do all this), comb her hair and dress it, and clothe her completely, often with a great deal of finery, and convey her to the Square, where a dance has been appointed for the occasion. She looks at the dance and joins in it if she chooses, and the same female relatives select some man to pass the night with her, and release her, as it is called, from her widowhood. The man must be single,²² and if after the night's acquaintance the parties agree, they live together as man and wife; if not, they separate and are free to do as they please. If a wife dies her female relations take the man to the branch [and treat him as in the case of a widow] except [that] the widower cannot be retained a widower over four months, and at the expiration of the time the women select a partner for the night as before."²³

²¹ *Shingles, Ma. Hist. Narr.*, pp. 22-23.

²² This is in case the widow is not exposed by her brother-in-law.

²³ *Shingles, Ma. Hist. Narr.*

589 Elsewhere the same observer informs us that, in 1840, the Creek national council undertook to reduce the period of enforced widowhood to 12 months, but so much opposition was aroused that they were forced to restore the old law the next year.²⁷

[736] The Tukabahchee chief informed Hitchcock that when there were widows or orphans with no one to take care of them he called the people out and had them put up a house for them, fence in a garden, and plant corn.

Claiborne says:

"With the Creeks, when a man dies, his wives can not dress up, or go into company, or attend the dances or appear in the town square, or bind up their hair for the period of 12 months, during which time they must remain chaste under the penalty of beating and cropping as above stated. The relations of the deceased husband have the privilege of releasing them from the observance of this custom before the year is out, but they seldom do so."²⁸

[587]
[614] The fact comes out plainly in all of these accounts that the clan, or rather the family group within the clan, which has furnished the husband or the wife of the widow or widower feels itself under obligations to supply his or her place, and on the other hand that it has the prior right to supply it. That not merely the man but the group had acquired the right to the individual is shown clearly by Swan's statement above that a widow who made free with any man until after four summers was considered an adulteress. This does not mean a communal right, however; merely a right to furnish the bereaved party with another spouse.

As might have been anticipated, Adair has a great deal to say on this subject, though it must be understood that his remarks apply more particularly to the Chickasaw:

"All the Indian widows, by an established strict penal law, mourn for the loss of their deceased husbands; and among some tribes for the space of three or four years. . . .

"The Muskohge widows are obliged to live a chaste single life, for the tedious space of four years; and the Chikkasah women, for the term of three, at the risque of the law of adultery being executed against the recusants. Every evening, and at the very dawn of day, for the first year of her widowhood, she is obliged through the fear of shame to lament her loss, in very intense audible strains. . . .

"Their law compels the widow, through the long term of her weeds, to refrain all public company and diversions, at the penalty of an adulteress; and likewise to go with flowing hair, without the privilege of oil to anoint it. The nearest kinamen of the deceased husband, keep a very watchful eye over her conduct, in this respect. The

²⁷ See p. 284.

²⁸ Claiborne, *Miss.*, vol. 1, p. 282.

place of interment is also calculated to wake the widow's grief, for he is intombed in the house under her bed. And if he was a war-leader, she is obliged for the first moon, to sit in the day-time under his mourning war-pole,²² which is decked with all his martial trophies, and must be heard to cry with bewailing notes. But none of them are fond of that month's supposed religious duty, it chills, or sweats, and wastes them so exceedingly; for they are allowed no shade, or shelter. This sharp rigid custom excites the women to honour the marriage-state, and keeps them obliging to their husbands, by anticipating the visible sharp difficulties which they must undergo for so great a loss. The three or four years monastic life, which she lives after his death, makes it her interest to strive by every means, to keep in his lamp of life, be it ever so dull and worthless; if she is able to shed tears on such an occasion, they often proceed from self-love. We can generally distinguish between the widow's natural mourning voice, and her tuneful laboured strain. She doth not so much bewail his death, as her own recluse life, and hateful state of celibacy; which to many of them, is as uneligious, as it was to the Hebrew ladies. . . .

"The Choktah Indians hire mourners to magnify the merit and loss of their dead, and if their tears can not be seen to flow, their shrill voices will be heard to cry, which answers the solemn chorus a great deal better. However, they are no way churlish of their tears, for I have seen them, on the occasion, pour them out, like fountains of water: but, after having thus tired themselves, they might with equal propriety have asked by-standers in the matter of the native Irish, *Ara ci fuar bass*—'And who is dead?'

"They formerly dressed their head with black moss on those solemn occasions; and the ground adjacent to the place of interment, they now beat with laurel-bushes, the women having their hair disheveled. . . .

"The [Chickasaw] Indian women mourn three moons, for the death of any female of their own family or tribe. During that time they are not to anoint, or tie up their hair; neither is the husband of the deceased allowed, when the offices of nature do not call him, to go out of the house, much less to join any company; and in that time of mourning he often lies among the ashes. The time being expired, the female mourners meet in the evening of the beginning of the fourth moon, at the house where their female relation is intombed, and stay there till morning, when the nearest surviving old kinswoman crops their fore-locks pretty short. This they call *Ené Inianáah*,²³ 'the women have mourned the appointed time.' . . .

²² The war-pole is a small pointed tree painted red, the top and boughs cut off short; it is first in the ground opposite to his door, and all his implements of war, are hung on the short boughs of it, till they rot—A chair. The use of this war-pole was not shared by the Indians of the Creek confederacy.

²³ *Ené-sháah*; *Inianáah*, probably from *ené*, "to rise up from a prostrate position."

• 589

When they have eaten and drank together, they return home by sun-rise, and thus finish their solemn Yah-ah.

"Although a widow is bound, by a strict penal law, to mourn the death of her husband for the space of three or four years; yet, if she be known to lament her loss with a sincere heart, for the space of a year, and her circumstances of living are so strait as to need a change of her station—and the elder brother of her deceased husband lies with her, she is thereby exempted from the law of mourning, has a liberty to tie up her hair, anoint and paint herself. . . .

"The warm-constituted young widows keep their eye so intent on this mild beneficent law, that they frequently treat their elder brother-in-law with spirituous liquors till they intoxicate them, and thereby decoy them to make free, and so put themselves out of the reach of the mortifying law. If they are disappointed, as it sometimes happens, they fall on the men, calling them *Hoobuk Wakse*, or *Skoobale*, *Hassé kroopha*, 'Eunuchus praepitio detecto, et pene brevi,' the most degrading of epithets." ²⁰⁰

548

A class of prostitutes existed among the southern Indians, composed of those who had committed adultery and had been cast off by their husbands, and those who for any other reason had become outcasts. Such women are said to have been the only ones to paint their faces. It was among them that many of the temporary marriages already spoken of were contracted.

[302]

171

589

It is hard to explain where Milfort got the idea that a Chickasaw widow was buried alive with her husband, for which there is not the slightest evidence outside of his own testimony.²⁰¹ It is not impossible, however, that he derived it in some manner from the ancient Natchez custom which applied only to widows of members of the nobility or Suns. Some color is lent to this suggestion by the fact that the Natchez and Chickasaw were more or less mixed together in the Chickasaw country and among the Upper Creeks. But neither with the Natchez were widows buried *alive*; they were first strangled.

DIVISION OF LABOR BETWEEN THE SEXES

562

592

Jackson Lewis, one of my oldest and best informants, said, "In ancient times men and women were almost like two distinct peoples."

In fact the old habitations usually comprised two or more buildings in one of which the woman spent most of her time while her husband occupied the other and entertained there his male friends. To the present day this division is kept up in one form or another. Sometimes there are two small buildings with an open porch between; sometimes two rooms end to end with open fireplaces at the opposite ends. In Plate 7, a, is shown a typical Seminole house in Oklahoma

²⁰⁰ Adair, *Hist. Am. Inds.*, pp. 186-188.²⁰¹ Milfort, *Mém.*, p. 286.